

Assembly Bill No. 715

CHAPTER 626

An act to amend Sections 12512, 12520, and 12544 of the Government Code, and to amend Section 13023 of the Penal Code, relating to the Attorney General.

[Approved by Governor September 24, 2000. Filed
with Secretary of State September 26, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 715, Firebaugh. Attorney General duties: criminal information reporting.

(1) Existing law requires the Attorney General to prosecute and defend all causes to which the state or state officers in their official capacities are parties, as well as all causes to which any county is a party, unless the interest of the county is adverse to the state or state officers in their official capacities.

This bill would repeal the above-described provisions regarding the prosecution and defense of causes to which any county is a party.

(2) Existing law prohibits the Attorney General from employing special counsel, except when those cases concern escheated property and the supervision of district attorneys.

This bill would provide that this prohibition does not affect the right of the Attorney General to employ counsel to represent or assist in the representation of a state agency, as defined, or a state employee if the representation meets specified standards.

(3) Existing law provides that, if an escheat proceeding is prosecuted by the regular staff of the Attorney General's office, the Attorney General shall recover the costs and charges of commencing and filing a suit to recover escheated property from the escheated funds, by presenting a claim.

This bill would repeal the requirement that the action be prosecuted by the regular staff of the Attorney General's office, and make other technical changes.

(4) Existing law requires the Attorney General to direct local law enforcement agencies to report to the Department of Justice, information that may be required relative to criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, gender, sexual orientation, or physical or mental disability.

This bill would add national origin to the list of victim characteristics in this reporting requirement. By increasing the

reporting duties of local officials, this bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 12512 of the Government Code is amended to read:

12512. The Attorney General shall attend the Supreme Court and prosecute or defend all causes to which the State, or any State officer is a party in his or her official capacity.

SEC. 2. Section 12520 of the Government Code is amended to read:

12520. (a) The Attorney General may not employ special counsel in any case except pursuant to either of the following:

(1) Article 3 (commencing with Section 12540).

(2) Article 4 (commencing with Section 12550).

(b) Subdivision (a) does not affect the right of the Attorney General to employ counsel to represent, or to assist in the representation of, a state agency as defined in Section 11000, including the Attorney General or the Department of Justice, or to represent a state employee if that representation meets any of the standards set forth in paragraph (3), (5), (7), (8), (9), or (10) of subdivision (b) of Section 19130.

SEC. 3. Section 12544 of the Government Code is amended to read:

12544. If an escheat proceeding is prosecuted by the staff of the Attorney General's office, the Attorney General shall recover, by presenting a claim to the Controller, all costs and charges of commencing and prosecuting the suit, from the funds so escheated. Those claims shall be paid from the Abandoned Property Account in the Unclaimed Property Fund and credited to and in augmentation of any support appropriation of the Attorney General. The costs and charges may not in any case exceed 10 per cent of the sum or sums actually escheated to the State in those suits.

SEC. 4. Section 13023 of the Penal Code is amended to read:

13023. Commencing July 1, 1990, subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, gender, sexual orientation, national origin, or physical or mental disability. On or before July 1, 1992, and every July 1 thereafter, the Department of Justice shall submit a report to the Legislature analyzing the results of the information obtained from local law enforcement agencies pursuant to this section.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

